

**NOTICE  
OCTOBER 10, 2008**

OVERSTREET V. TRW COMMERCIAL STEERING DIVISION

**James G. Neeley, Commissioner, Tennessee Department of Labor and Workforce Development, posed the following questions to the Attorney General of the State of Tennessee and requested a formal opinion.**

1. Does the prohibition in *Overstreet v. TRW Commercial Steering Div.*, 256 S.W.3d 626 (Tenn. 2008), regarding *ex parte* communications between an employer and an employee's physician apply to case managers operating under Tenn. Code Ann. Section 50-6-123?
2. If so, to what extent does *Overstreet* prohibit a case manager from communicating with a treating physician when the injured employee has not consented to such communication?

**ROBERT E. COOPER, JR. ATTORNEY GENERAL AND REPORTER  
OPINED**

1. No. *Overstreet's* prohibition against *ex parte* communications between an employer and an employee's physician does not apply to case managers operating under Tenn. Code Ann. Section 50-6-123.
2. In light of the answer to Question No. 1, this Question is pretermitted.

This is opinion number 08-161. For a detailed analysis please go to [www.tn.gov/attorneygeneral/](http://www.tn.gov/attorneygeneral/)